

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.07.2016

CORAM

THE HONOURABLE MR.JUSTICE C.T.SELVAM

Civil Revision Petition (PD) No.2723 of 2015

and

M.P.Nos.1 and 2 of 2015

Karunakaran
S/o.P.Chinnsamy

... Petitioner

vs

1.Ramamoorthy Naidu
S/o.R.N.Chinnasamy Naidu

2.Gangadharan
S/o.R.N.Chinnasamy Naidu

3.Siva
S/o.R.N.Chinnasamy Naidu

... Respondents

Civil Revision Petition filed under Article 227 of the Constitution of India against the order of learned Additional District Judge III, Thiruvallur, passed in I.A.No.223 of 2014 in O.S.No.100 of 2010 on 22.04.2015.

For Petitioner : Mr.A.Sivaji
for Mr.K.Dhananjayan

For Respondents : Mr.S.Sadasharam

ORDER

This revision arises against the order of learned Additional District Judge III, Thiruvallur, passed in I.A.No.223 of 2014 in O.S.No.100 of 2010 on 22.04.2015.

2. Respondents/plaintiffs have filed O.S.No.100 of 2010 on the file of learned Additional District Judge III, Thiruvallur, seeking partition. Petitioner/defendant filed I.A.No.223 of 2014 towards forwarding Exs.A9, A11 and B4 to an expert for obtaining opinion thereon. The Court below, under the impugned order, dismissed such application. Hence, this revision.

3. Heard learned counsel for petitioner and learned counsel for respondents.

4. Ex.B4 was a Will dated 04.06.1998 executed by the mother of the petitioner and respondents. Ex.A9 was a Deed of Revocation of the said Will and was dated 05.05.1999. Ex.A11 was an affidavit allegedly sworn to by the testatrix on 16.11.1998. Though learned counsel for petitioner strenuously would seek to impress upon this Court that what the petitioner had sought was comparison of the handwriting of the testatrix since the same on all three exhibits were in Telugu and the Court below was wrong in refusing

the relief sought for by the petitioner, this Court finds that in dismissing the application, the Court below has reasoned that the finger print expert's opinion regards the thumb impression on Exs.B4 and A9, i.e., the registered Will and registered Deed of Revocation were available and as the respondents/plaintiffs themselves consider it sufficient to rest their case thereupon, the application for comparison of handwriting serves no useful purpose and it is only an attempt to protract proceedings. This Court finds no error in the order under challenge.

The Civil Revision Petition shall stand dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

26.07.2016

Index:yes/no
Internet:yes
gm

To
The Additional District Judge III,
Thiruvallur.

C.T.SELVAM, J

gm

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